

Atty Docket No.: 4860P2667X1
Confirmation No.: 4171

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Michael D. Hillman et al.

Serial No.: 10/741,671

Filed: December 19, 2003

For: COMPUTER CONTROLLED
DISPLAY DEVICE

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Examiner: Not yet assigned

Art Unit: 2611

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to MS: Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 5, 2004

Dianne Neathery
By: Dianne Neathery

PETITION FOR FILING BY OTHER THAN ALL THE INVENTORS

Under 37 C.F.R. § 1.47(a)

Dear Sir:

In response to the Notice to File Missing Parts of NonProvisional Application mailed April 6, 2004, Applicant respectfully submits a petition to file on behalf of omitted inventor, Frank R. Tsai. Included with this petition are the following items:

- 1) A declaration of facts from J. Scott Heilesen providing proof of pertinent facts concerning the unavailability of inventor Frank R. Tsai to execute the Declaration for filing in the U.S. Patent and Trademark Office.
- 2) A combined Declaration and Power of Attorney signed by joint inventors Michael D. Hillman, Michael D. McBroom, Daniel L. McBroom, Brian T. Sudderth, Bartley K. Andre, Christopher Stringer, Daniel Riccio, Clifford Jue, Theo Mann, Opher Doron Yom-Tov, Jesse Arnold Fourt, Ben Tarbell, and Tony Lawson.

10/08/2004 RMEBRAHT 00000013 10741671

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130.00 0P

Atty Docket No.: 4860P2667X1
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- 3) The required \$130.00 petition fee pursuant to 37 C.F.R. § 1.17(h) for the petition to file by other than all the inventors (37 C.F.R. § 1.47(a)).

The last known name and address of the joint inventor unavailable to execute and otherwise cooperate in the prosecution of the present patent application is:

Frank R. Tsai
267 Eureka Ct.
Sunnyvale, CA 94085-3030

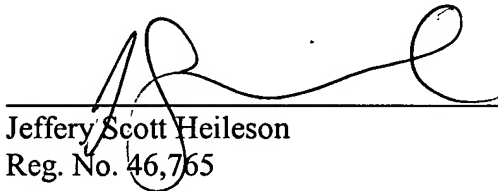
On December 19, 2003, Applicant filed a patent application, which required an executed declaration by all the inventors. As supported in the enclosed declaration of facts by J. Scott Heilesen, Applicant could not determine Mr. Tsai's current mailing address or contact information in order to send a Declaration and Power of Attorney to be executed.

The required fee pursuant to 37 C.F.R. § 1.17(h) is enclosed. If there is a deficiency in fees, please charge our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Dated: October 5, 2004



Jeffery Scott Heilesen
Reg. No. 46,765

12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025-1030
(408) 720-8300

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>	<u>Fee Paid</u>
<u>Fee Code</u>	<u>Fee (\$)</u>	<u>Fee Code</u>	<u>Fee (\$)</u>		
1051	130	2051	65	Surcharge - late filing fee or oath	130.00
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1813	8,800	1813	8,800	Request for inter parties reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	1530.00
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130.00
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	For filing a submission after final rejection (see 37 CFR 1.129(a))	
1814	110	2814	55	Statutory Disclaimer	
1810	790	2810	395	For each additional invention to be examined (see 37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
1504	300	1504	300	Publication fee for early, voluntary, or normal pub.	
1505	300	1505	300	Publication fee for republication	
1803	130	1803	130	Request for voluntary publication or republication	
1808	130	1808	130	Processing fee under 37 CFR 1.17(i) (except provisionals)	
1454	1,370	1454	1,370	Acceptance of unintentionally delayed claim for priority	

Other fee (specify) _____

Other fee (specify) _____

SUBTOTAL (3) \$ 1,790.00

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:Typed or Printed Name: Jeffery Scott HeilesenSignature:  Date: October 5, 2004Reg. Number: 46,765 Telephone Number: 408 720 8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

**FEE TRANSMITTAL FOR FY 2005**

(FY 2005 Begins 10/01/2004)

TOTAL AMOUNT OF PAYMENT (\$) 1,790.00

Complete if Known:

Application No. 10/741,671
Filing Date December 19, 2003
First Named Inventor Michael D. Hillman
Examiner Name Not yet assigned
Art Unit 2611
Attorney Docket No. 4860.P2667X1 (formerly 4860.P2667D02)

☐ Applicant claims small entity status. See 37 CFR 1.27.**METHOD OF PAYMENT** (check all that apply)

- ☒ Checks ☐ Credit Card ☐ Money Order ☐ Other ☐ None
- ☒ Deposit Account
Deposit Account Number : 02-2666
Deposit Account Name: _____
- ☒ The Director is Authorized to do the following with respect to the above-identified Deposit Account:
- ☐ Charge fee(s) indicated below.
 - ☒ Credit any overpayments.
 - ☒ Charge any additional fees during the pendency of this application.
 - ☒ Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.
 - ☐ Charge fee(s) indicated below except for the filing fee.

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Code	Fee (\$)	Code	Fee (\$)		
1001	790	2001	395	Utility application filing fee	_____
1002	350	2002	175	Design application filing fee	_____
1003	550	2003	275	Plant filing fee	_____
1004	790	2004	395	Reissue filing fee	_____
1005	160	2005	80	Provisional application filing fee	_____
SUBTOTAL (1) \$					<u>.00</u>

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

			Extra Claims	Fee from below	Fee Paid
Total Claims	_____	- 20** =	_____	X _____	= _____
Independent Claims	_____	- 3** =	_____	X _____	= _____
Multiple Dependent	_____			_____	= _____

**Or number previously paid, if greater; For Reissues, see below.

Large Entity		Small Entity		Fee Description
Code	Fee (\$)	Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$.00



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Michael D. Hillman, et al.

Serial No.: 10/741,671

Filed: December 19, 2003

For: COMPUTER CONTROLLED DISPLAY
DEVICE

Examiner: Unassigned

Art Unit: 2611

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION

Dear Sir:

I, J. Scott Heilesen, having personal knowledge of the facts set forth herein, hereby declare and say as follows:

1. On December 15, 2003, I emailed Mr. Tsai asking for a mailing address to which I could mail the declaration for the present application. On December 17, I received an email from Mr. Tsai (attached as Exhibit A) stating that he did not have a permanent address or access to a fax. Mr. Tsai instructed that I mail the declaration to 101 Eye St., San Rafael, California, 94901, Attention Sterling Boyd. Mr. Tsai stated that Ms. Boyd would make sure he received the documents.
2. On April 14, 2004, in response to an email requesting his latest contact information, Mr. Tsai repeated his instructions to mail documents to the Eye St. address care of Ms. Boyd (attached as Exhibit B).
3. On May 7, 2004, a declaration for the present application, along with a complete copy of the application as filed, was delivered via Federal Express to Mr. Tsai care of Ms. Boyd at the Eye St. address. No response to this delivery has been received. Documentation of this delivery is attached as Exhibit C.

4. Email communications were sent to Mr. Tsai on May 7, May 18, May 25, and June 2, 2004. No response has been received to these communications.
5. On June 4, 2004, a declaration for the present application, along with a complete copy of the application as filed, was mailed to Mr. Tsai c/o Ms. Boyd at the Eye St. address via United States Postal Service with confirmation and Return Receipt with restricted Delivery. The delivery was refused. Documentation of this delivery attempt is attached as Exhibit D.
6. On June 4, 2004, a declaration for the present application, along with a complete copy of the application as filed, was mailed to Frank R. Tsai at his last known (as of June 4, 2004) address of 7698 Brookwood Dr., Huntington Beach, California 92648 via United States Postal Service with confirmation and Return Receipt with Restricted Delivery. A delivery attempt was made on June 7, 2004, and a notice was left at the residence. The item was later delivered on June 30, 2004. No response to this delivery has been received. Documentation of the delivery attempt is attached as Exhibit E.
7. Based on an updated search performed on September 20, 2004, Mr. Tsai was potentially linked to a previously unknown address at 267 Eureka Court, Sunnyvale, California, 94085. Several attempts were made by myself to contact Mr. Tsai in person at the Eureka Ct address. The attempts were unsuccessful in contacting Mr. Tsai. I left my contact information with residents at the Eureka Ct address, with instructions to pass it on to Mr. Tsai. However, no reply has been received.
8. On September 27, 2004, a declaration for the present application, along with a complete copy of the application as filed, was mailed to Frank R. Tsai at the Eureka Ct address via United States Postal Service, with confirmation and Return Receipt with Restricted Delivery. A delivery attempt was made on September 29, 2004, and a notice was left at the residence. No response to this delivery has been received. A copy of the Certified Mail Receipt and documentation of the delivery attempt is attached as Exhibit F.

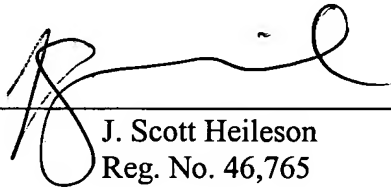
Atty Docket No.: 004860.P2667X1
Confirmation No.: 4171

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on the information and belief are believed to be true; and further that all these statements were made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Dated: October 5, 2004



J. Scott Heilesen
Reg. No. 46,765

12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025-1030
(408) 720-8300



frank tsai
<frtsai@yahoo.com>
12/17/2003 09:47 PM

To: Scott_Heilesen@bstz.com
cc:
Subject: Re: Apple Patent cases

Hi Scott,

I am currently traveling overseas, and don't have a permanent address at the moment or access to fax. Any documents you need signed can be sent to the following address in the US:

101 Eye St.
San Rafael, CA 94901
Attn: Sterling Boyd

Please make sure you attention the envelope to Sterling. She will make sure I receive the documents. Thank you.

Frank

--- Scott_Heilesen@bstz.com wrote:

> Hi Frank,
>
> I am an attorney working on patent applications for
> Apple Computer for
> which you are a named inventor. The patent
> applications relate to
> variations of the iMac. We need you to sign some
> documents. Are you
> available to receive the documents via fax, or
> perhaps email? (I could
> email you the documents in pdf form, and then you
> can fax the signed
> version to me). Also, can I have your mailing
> information, as well as your
> citizenship. If you have any questions, please feel
> free to contact me.
>
> J. Scott Heilesen, Esq.
> Blakely Sokoloff Taylor & Zafman LLP
> 1279 Oakmead Parkway
> Sunnyvale, California 94085-4040
> Tel: (408) 720-8300 Ext. 301
> Fax: (408) 720-8383
> Scott_Heilesen@bstz.com
>
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New Yahoo! Photos - easier uploading and sharing.
<http://photos.yahoo.com/>



frank tsai
<frtsai@yahoo.com>
04/14/2004 08:31 PM

To: Scott_Heilesen@bstz.com
cc:
Subject: Re: Apple Patent cases

Hi Scott,

Please mail the documents to the address you have on record below. Thank you.

Frank

--- Scott_Heilesen@bstz.com wrote:
> Hi Frank,
>
> I am just following up with you to see if you have a
> permanent address yet.
> We will be mailing formal documents out to you
> within the next month or so.
> The last contact info we have for you is:
>
> 101 Eye St.
> San Rafael, CA 94901
> Attn: Sterling Boyd
>
>
> In preparation for the documents, we need your full
> legal name, address
> (any will do) and citizenship. Thank you.
>
> J. Scott Heilesen, Esq.
> Blakely Sokoloff Taylor & Zafman LLP
> 1279 Oakmead Parkway
> Sunnyvale, California 94085-4040
> Tel: (408) 720-8300 Ext. 301
> Fax: (408) 720-8383
> Scott_Heilesen@bstz.com
>
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Yahoo! Tax Center - File online by April 15th

<http://taxes.yahoo.com/filing.html>



FedEx
<donotreply@fedex.com>

To: <cbachmann@bstz.com>
cc:
Subject: FedEx shipment 792632658357

05/07/04 10:15 AM
Please respond to
FedEx

Our records indicate that the shipment sent from CATHY CB BACHMANN/BLAKELY, SOKOLOFF, TAY to Frank Tsai has been delivered. The package was delivered on 05/07/2004 at 9:57 AM and signed for or released by S.RFA411052.

The ship date of the shipment was 05/06/2004.

The tracking number of this shipment was 792632658357.

FedEx appreciates your business. For more information about FedEx services, please visit our web site at <http://www.fedex.com>

To track the status of this shipment online please use the following:
http://www.fedex.com/cgi-bin/tracking?tracknumbers=792632658357&action=track&language=english&cntry_code=us

Disclaimer

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BEST AVAILABLE COPY

PLACE STICKER AT TOP OF ENVELOPE
TO THE RIGHT OF RETURN ADDRESS.
FOLD AT DOTTED LINE

CERTIFIED MAIL



7095 3220 0000 9299 2067

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

FRANK TSAI
C/O STERLING BOYD
101 EYE STREET
SAN RAFAEL, CA
94901

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)		B. Date of Delivery	
C. Signature		<input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
X			
D. Is delivery address different from item 1?		<input type="checkbox"/> Yes <input type="checkbox"/> No	
If YES, enter delivery address below:			

3. Service Type	
<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	<input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D.
4. Restricted Delivery? (Extra Fee)	
Yes <input checked="" type="checkbox"/>	

2. Article Number (Copy from service label)

PS Form 3811, July 1999

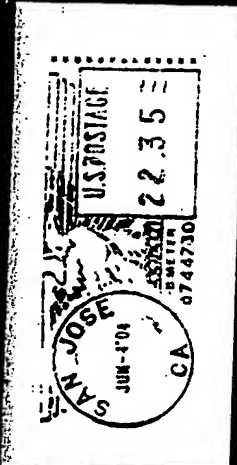
Domestic Return Receipt

102565-99-04-1789

From:
BLAKELY SOKOLOFF
TAYLOR & ZAFMAN
A LIMITED LIABILITY PARTNERSHIP
INCLUDING LAW CORPORATIONS
1279 OAKMEAD PARKWAY
SUNNYVALE, CALIFORNIA
94085-4040

To:

Frank Tsai
Attn: Sterling Boyd
101 Eye Street
San Rafael, CA 94901



U.S. Postal Service
CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

7099 3220 0000 9299 2067

Postage	\$ 14.80
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	3.50
Total Postage & Fees	\$ 22.35



Name (Please Print Clearly) (To be completed by mailer)

FRANK TSAI C/O STERLING BOYD

Street, Apt. No.; or PO Box No.

101 EYE STREET

City, State, ZIP+4

SAN RAFAEL, CA 94901

PS Form 3800, July 1999

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

FRANK TSAI
7698 BROOKWOOD DRIVE
HUNTINGTON BEACH, CA 92648

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) SHIH-ME/TSO/ B. Date of Delivery

C. Signature X

☐ Agent
☐ Addressee

If YES, enter delivery address different from item 1? ☐ Yes
☒ No

3. Service Type
☒ Certified Mail
☐ Registered
☐ Insured Mail

☐ Express Mail
☐ Return Receipt for Merchandise
☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☒ Yes

2. Article Number (Copy from service label)

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

BEST AVAILABLE COPY

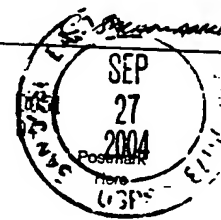
U.S. Postal Service
CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

FRANK TSAT
 SUNNYVALE CA 94085-3030

Postage	\$ 14.80 ⁸⁰
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	\$1.25
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 18.35



09/27/2004

Name (Please Print Clearly) (To be completed by mailer)
FRANK TSAT

Street, Apt. No., or PO Box No.

267 EUREKA CT

City, State, ZIP+4

SUNNYVALE, CA 94085-3030

PS Form 3800, July 1999

See Reverse for Instructions

7099 3220 0006 2691 2257

BEST AVAILABLE COPY

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

FRANK TSAI
267 EUREKA CT.
SUNNYVALE, CA
94085-3030

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

☐ Agent

☐ Addressee

X

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Registered

☐ Insured Mail

☐ Express Mail

☐ Return Receipt for Merchandise

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☒ Yes

2. Article Number (Copy from service label)

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952



Track & Confirm

Shipment Details

You entered 7099 3220 0006 2691 2257

We attempted to deliver your item at 11:58 am on September 29, 2004 in SUNNYVALE, CA 94085 and a notice was left. It can be redelivered or picked up at the Post Office. If the item is unclaimed, it will be returned to the sender. Information, if available, is updated every evening. Please check again later.

Here is what happened earlier:

- ACCEPTANCE, September 27, 2004, 7:33 pm, SAN JOSE, CA 95122

Notification Options

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